

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 MAMIE FEIMSTER, et al.,)

13 Plaintiffs,)

14 v.)

15 CAROLYN WRIGHT, et al.,)

16 Defendants.)
17

Case No.: C 10-03330 LHK (PSG)

**ORDER REGARDING PARTIES'
PROPOSED FORM OF PROTECTIVE
ORDER**

(Re: Docket No. 23)

18 On January 23, 2011, the parties filed a proposed form of stipulated protective order.
19 Section 12 of the proposed form of order is not acceptable to the court. Section 12 provides that
20 "Protected Material may be filed under seal upon written stipulation by submission to the Clerk
21 without further order." This provision conflicts with Civil Local Rule 79-5, which states that,

22 "[n]o document may be filed under seal . . . except pursuant to a Court order that
23 authorizes the sealing of the particular document, or portions thereof. . . . A
stipulation, or blanket protective order that allows a party to designate documents
as sealable, will not suffice to allow the filing of documents under seal."

24 Parties are directed to submit a revised form of protective order that uses the wording from one of
25 the court's model forms of protective order. Accordingly,

26 IT IS HEREBY ORDERED that, no later than May 10, 2011, the parties shall submit a
27 revised form of protective order that uses the wording regarding filing documents under seal from
28 Section 12.3 of the court's model "Stipulated Protective Order For Standard Litigation" available

1 in the “Forms” section of the court’s website (www.cand.uscourts.gov). If the parties believe that
2 modification of the court’s model form of order is reasonably necessary for the present action,
3 they shall also submit a joint brief explaining what modification they seek, and why it is
4 reasonably necessary for the present action.

5 IT IS FURTHER ORDERED that, pending entry of the final form of protective order, the
6 handling of confidential information shall be governed by the provisions of the court’s model
7 “Stipulated Protective Order For Standard Litigation.”

8 Dated: April 26, 2011

9
10 
11 PAUL S. GREWAL
12 United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28